```
┌─────────────────────────────────────────────────┐
│           CERTIFICATE OF MAILING                 │
│                                                  │
│ I hereby certify that on  May 09  , 2003         │
│ this document is being deposited with the United │
│ States Postal Service, with sufficient postage,  │
│ as First Class Mail addressed to                 │
│                                                  │
│ Mail Stop: Appeal Brief - Patents                │
│ Commissioner for Patents                         │
│ P.O. Box 1450                                    │
│ Alexandria, VA  22313-1450                       │
│                                                  │
│ by: _____             │
│        Elmer Galbi    Reg No 19761               │
└─────────────────────────────────────────────────┘
```

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application:	
Serial No.: **10/039,928**	Group No.: **2643**
Inventors: **David Y. Schlossman et.al.**	
Filed: **October 29, 2001**	Examiner: **Nguyen, Duc**
For: **INTELLIGENT CONFIGURATION SERVER**	

Mail Stop: Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Appeal Brief

1. Real Party in Interest:

This patent application is assigned to, and the real party in interest is, At Comm Corporation.

2. Related Appeals and Interferences:

There are no related appeals or interferences.

3. Status of Claims:

Claims 1 to 7 are in this application.

Claims 1 to 7 have been finally rejected.
Claims 1 to 7 have been appealed.

4. Status of Amendments:
All amendments have been entered.

5. Summary of the Invention:

The invention involves capturing <u>data related to the **normal operation**</u> of a communication system, communicating this data to a server, and then examining the data in order to <u>identify the manufacturer and model of the communication system</u>. For example, during their normal operation, many types of PDX systems generate what are called CDR records. The CDR records give details concerning each of the calls that are connected by the PBX. The CRD records are often used by accounting systems to bill individual parties for calls made through the PBX and in order to determine the amount of use of various truck lines. With the present invention, in addition to being used for any other normal purpose, the CDR records which record the normal operation of the system, are sent to a server. The server analyses the CDR records in order <u>to identify the type of PBX system that generated the records</u>. For example, the manufacturer and model number of the PBX might be identified. Once the type of the PBX has been identified, data appropriate to that particular type of PBX can be sent from the server to the PBX.

In summary, data which indicates the **normal use** of a communication system (such as a PBX) is examined to determine <u>what type of communication system generated the data</u>.

6. Issues:

The only issue is whether or not the claimed invention is anticipated by Patent 5,420,572 (Dolin) under 35 U.S.C. § 102(e).

7. Grouping of the claims:
All of the claims form a single group.

8. Argument

Claims 1-3, 6-7 were rejected under 35 U.S.C. 102(e) as being anticipated by Dolin et. al. (U.S. Patent 5,420,572). Claims 4 and 5 which are dependent claims were rejected based on Dolin in view of Lucas.

The Dolin reference describes a method and system that helps in the configuration of a network. The information needed to configure the network described in Dolin includes a node_id, a node type and a location code. As explained at column 11 lines 42 et. seq.

> "the node_id is assigned at the time of manufacture of the node. ....the node type is also configured by the manufacturer at the time of manufacture ... the location code is assigned by the system installer"

In the system described in Dolin, information such as node_id and node type are stored in the equipment, read by an operator and transmitted to a central computer in order to configure the system.

In applicant's system, records showing <u>the normal operation</u> of the system are analyzed to determine what type of system generated this particular records. Once the system has been identified, appropriate information for that particular system can be used to configure the system.

The system shown in the Dolin reference does not record "details of the operation" of the system as recited in applicant's claims.

The examiner states:

> "Dolin teaches a method and system of configuring a communication system comprising recording details of the operation of the communication system (node

---

type data can include information about the nodes operation and even configuration information; col 11, ln 26-41"

As explained at column 11 lines 42 et. seq. of the Dolin reference:

"the node_id is assigned at the time of manufacture of the node. ....the node type is also configured by the manufacturer at the time of manufacture ... the location code is assigned by the system installer"

Applicant's claims (for example claim 7) call for:

"recording details of the operation of said communication system; ...

....

examining said details of operation and generating identification data identifying said communication system ..

utilizing said identification information to facilitate configuration of said communication system".

Thus a fundamental difference between the applicant's system and the system shown and described in the Dolin reference is the fact that Dolin uses information that is stored in the system at the time of manufacture to configure the system, whereas the system claimed by the applicant utilizes information about the actual operation of the system in order to configure the system.

Each of the other independent claims under appeal have limitations similar to that described above relative to claim 1. Namely, each of the claims have limitations that call for "recording details of the operation of the system", and "using the recorded details to configure the system".

Applicant submits that dependent claims 2-5 are patentable for the same reason as is the independent claim on which they are dependent.

In conclusion: applicant submits that the system shown in the Dolin reference uses information stored in the system at the time of manufacture in order to configure the system. On the other hand, the invention claimed by the applicant utilizes information obtained by recording details concerning the normal operation of the system in order to configure the system. For this reason, the Dolin reference does not teach the claimed invention and applicant respectfully requests the board to reverse the rejection by the examiner.
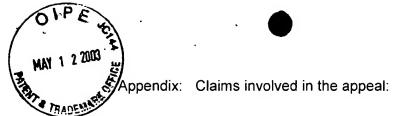
by the undersigned attorney of record,

MARGER JOHNSON & McCOLLOM, P.C.

Elmer W. Galbi
Reg. No. 19,761

MARGER JOHNSON & McCOLLOM
1030 SW Morrison Street
Portland, OR 97205
(503) 222-3613

Appendix: Claims involved in the appeal:

1. A method of configurating a communication system comprising:

recording details of the operation of said communication system;

electronically communicating said details of operating to a configuration server;

examining said details of operation and generating identification data identifying said

     communication system; and

transmitting said identification data to said communication system to facilitate

    configuration of said communication system.

2.   A method according to claim 1 wherein said communication system includes a

computer running a an accounting program, said accounting program reformatting said

messages into accounting and traffic engineering analysis reports according to said

identification data received from said configuration server.

3.   A method according to claim 1 wherein said communication system includes

memory for storing a telephone rate table transmitted to said communication system

from said configuration server.

4.   A method according to claim 1 wherein the configuration server includes a

processor and a memory, the processor comparing the messages received from said

communication system to sample messages for different types o communication

systems previously stored in the configuration server memory.

5.   A method according to claim 4 wherein the configuration server memory stores

multiple rate tables each associated with a different telephone area code and exchange,

---

one of said multiple rate tables transmitted to said t communication system according to

a local telephone area code associated with said communication system.

6. A system comprising:

a telephone call interconnecting system which generates information which identifies

characteristics said telephone call interconnecting system;

a server located at a location which is remote from said telephone call interconnecting

system;

a communication system for communicating said information from said telephone call

interconnecting system to said server;

a program in said server for identifying said telephone call interconnecting system from

said information and for generating identification data;

an electronic transmissions system for transmitting said identification data from said

server to said telephone call interconnecting system, and

a program in said telephone call interconnecting system for using said identification data

transmitted from said configuration server to enable said telephone call

interconnecting system to perform subsequent operations.

7. A method of configurating a communication system comprising:

recording details of the operation of said communication system;

examining said details of operation and generating identification data identifying said

communication system; and

utilizing said identification information to facilitate configuration of said communication

system.